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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES EUGENE BAKER,

7
8 Petitioner,

9 v.

10 STEPHEN SINCLAIR,

11 Respondent.

No. C09-5505 RJB/KLS

ORDER FOR SERVICE AND
RETURN § 2254 PETITION

12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 the Petition, of all documents in support thereof, and of this Order. All costs of service shall be
14 advanced by the United States. The Clerk shall assemble the necessary documents to effect
15 service. The Clerk shall send Petitioner a copy of this Order, and the General Order. The Clerk
16 will also send a courtesy copy of the Petition to the Washington State Attorney General's Office.

17 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
18 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
19 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
20 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
21 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
22 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
23 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.
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(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and Respondent may file and serve a reply brief not later than the Friday designated for consideration of the matter.

DATED at Tacoma, Washington this 5th day of October, 2009.


Karen L. Strombom
United States Magistrate Judge